

**Initial Statement of Reasons
California Code of Regulations
Title 25, Division 1. Housing and Community Development
Chapter 1. State Housing Law Regulations and
Earthquake Protection Law Regulations
Subchapter 1. State Housing Law Regulations
Article 3. Administration and Enforcement**

The State Housing Law Program within the Department of Housing and Community Development (HCD), Division of Codes and Standards, develops and administers uniform statewide standards which assure owners, residents, and users of residential structures protection from risks to their health and safety.

The State Housing Law (SHL) grants HCD authority to adopt, amend, and repeal rules and regulations for the protection of the public health, safety and general welfare of occupants and the public by governing the erection, alteration, and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, including buildings and structures accessory thereto.

HCD is currently promulgating building standards to be published in the California Code of Regulations (CCR), Title 24, Parts 2 through 5, and 10. Building standards contained in Parts 2 through 5 contain specific exemptions from permit requirements. With this action, HCD is proposing to remove a conflict between the non-building standards contained in Title 25 and the building standards contained in Title 24.

SECTION AFFECTED.

The specific section affected by this proposed action is Title 25, Division 1, Chapter 1, Subchapter 1, Article 3, Section 16.

AMEND SECTION 16.

The proposed amendment contains additional text which provides better direction regarding the type of activities HCD has authority over and more closely mirrors the authority given to HCD in California Health and Safety Code 17921. In addition, this amendment will align the construction permit requirements contained in this section with the exemptions from permits contained in CCR Title 24, Part 2, the California Building Code; CCR Title 24, Part 3, the California Electrical Code; CCR Title 24, Part 4, the California Mechanical Code; and CCR Title 24, Part 5, the California Plumbing Code. The exemptions apply to changes, alterations, and repairs of a minor nature which do not affect egress, sanitation, safety, or accessibility. HCD is also proposing to clarify by stating that even though some work may be exempt from a permit, it is not exempt from the applicable requirements of rules and regulations legally adopted by HCD or those lawfully enacted by a local enforcement agency.

DOCUMENTS RELIED UPON.

- 2006 International Building Code.
- 2006 Uniform Plumbing Code.
- 2006 Uniform Mechanical Code.
- 2005 National Electrical Code.
- 2007 California Building Code as proposed for adoption.
- 2007 California Electrical Code as proposed for adoption.
- 2007 California Mechanical Code as proposed for adoption.
- 2007 California Plumbing Code as proposed for adoption.

BUSINESS IMPACT.

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact, HCD has determined that coordination between Title 24 and Title 25 permit requirements for minor work may serve to legitimize what is believed to be the common practice throughout the State of not issuing permits because the fees generated by such minor permits typically are not sufficient to cover the costs associated with them.

SPECIAL TECHNOLOGIES OR EQUIPMENT.

The proposed amendments do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES.

No alternative which was considered by the Department of Housing and Community Development would be more effective than or equally as effective as and less burdensome to affected private persons than the proposed amended regulations.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 11346.2, 11346.5 and 11349(f).

The regulations, which concern permit issuance, do not conflict with federal laws or regulations.